

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF THE )  
COST SUPPORT MATERIAL FILED WITH THE )  
CONTRACT WITH GRIFFIN INDUSTRIES FOR ) CASE NO. 96-046  
INTEGRATED SERVICES DIGITAL NETWORK - )  
BUSINESS SERVICE (IBS) FILED WITH THE )  
COMMISSION ON FEBRUARY 12, 1996 )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 13, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with a contract service arrangement with Griffin Industries for Integrated Services Digital Network - Business Service ("IBS") on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has contracted with Griffin Industries to provide IBS. In support of its application for approval of the contract, BellSouth has provided cost support data which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and act upon the information. BellSouth seeks to preserve and protect the

confidentiality of the information through all appropriate means, including the maintenance of security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

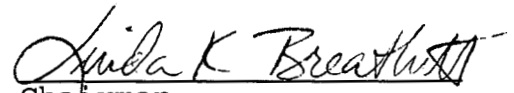
IBS is an alternative to other local exchange service offerings, private line data services and dedicated private line networks. BellSouth's competitors for local exchange service are cellular carriers who may also provide cellular data services and will soon include providers of Personal Communications Services ("PCS"), cable TV providers, and alternate access providers. BellSouth's competitors for private line data services and networks are IXC's, resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and services. Disclosure of the information would enable such competitors to determine

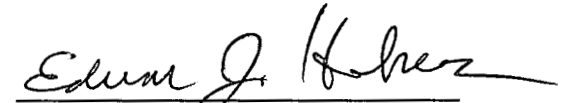
BellSouth's cost and contribution from the service, which they could use in marketing their competing service. Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and the information should be protected as confidential.

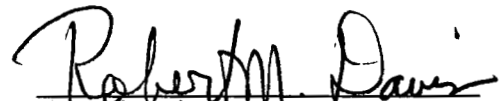
This Commission being otherwise sufficiently advised, IT IS ORDERED that the cost support data filed in support of the proposed contract with Griffin Industries for provision of IBS, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of March, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director